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### REMARKS

By way of summary, Claims 1-24 were originally filed in the present application. Claims 1, 8, 11, 15, 16, 18, 21, and 24 have been amended, and new Claims 25-28 have been added. Claim 14 has been canceled. Accordingly, Claims 1-13 and 15-28 are pending.

Amendments to the claims set forth above include markings to show the changes by way of the present amendment, deletions being in ~~strikeout~~ (e.g., ~~strikeout~~) or being in double brackets (e.g., [[double brackets]]) and additions being underlined (e.g., underlined).

#### Claim Objections

The Examiner objected to Claim 24 because the phrase " 'the cooling projection' has no clear antecedent." *Office Action*, page 2. Claim 24 has been amended to now depend from Claim 23, and Claim 24 now recites "the at least one cooling projection" to put the claim in better form for examination. Claim 23 provides antecedent basis for the phrase at least one cooling projection. The claim amendment is not related to patentability.

#### Claims 1-13 and 15 are allowable over Cited References

Original Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,099,371 to Nozawa et al. ("Nozawa"). Original Claims 1, 3, 9-11, and 13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 4,522,602 to Okazaki in view of U.S. Patent No. 4,379,702 to Takada et al. ("Takada") and Nozawa. Claims 1, 3, 4, 8, 14, and 15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,873,755 to Takahashi et al. ("Takahashi") in view of Nozawa. Claims 1-6, 9, 10, and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 4,968,276 to Hashimoto in view of Nozawa. In view of the following comments, Applicant respectfully submits that the pending claims are in condition for allowance.

#### Claim 1

Applicant has incorporated the limitations of Claim 14 into Claim 1. Claim 14 was rejected under 35 U.S.C. § 103(a) as unpatentable over Takahashi in view of Nozawa. Amended Claim 1 recites:

An outboard motor comprising a housing unit adapted to be mounted on an associated watercraft, an internal combustion engine disposed on the housing

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unit, and a cowling surrounding the engine, *the cowling having a first inlet port through which atmospheric air enters inside of the cowling, a second inlet port through which atmospheric air enters the inside of the cowling, an outlet port through which said atmospheric air exits to an external location of the cowling, and a partition that separates the air that has entered through the second inlet port from the air entering through the first inlet port, the cowling substantially being made of a nonferrous metal.*

The cited references do not teach or suggest each and every limitation of amended Claim 1. In contrast to Claim 1, Takahashi discloses intake vents 190 provided on each side of the cowling 30, and the vents 190 lead into the intake chamber 180. Col. 7, lines 10-12; see, Figure 6. The air passing through the vents 190 is mixed in the intake chamber 180. Col. 7, lines 29-30. Takahashi does not teach or suggest, *inter alia*, a partition that separates the air that has entered through the second inlet port from the air entering through the first inlet port, much less a partition made of nonferrous material.

The *Office Action* states that the "the first inlet port 190" and the "second inlet port is 210 and the second outlet port is 192." *Office Action*, pages 6 and 7. However, Takahashi discloses that the upwardly extending port 210 is for delivering exhaust gases, *not atmospheric air*, into the exhaust chamber 182. Col. 7, lines 40-42. As shown in Figure 6 of Takahashi, exhaust gases delivered by the port 210 flows through the exhaust chamber 182 and out the exhaust vent 192. Thus, the port 210 is not an inlet port through which atmospheric air enters the inside of the cowling.

Moreover, Takahashi does not teach or suggest the outlet port through which said atmospheric air exits to an external location of the cowling and, instead, teaches an exhaust vent 192 for discharging exhaust gases. Additionally, the secondary references cited by the Examiner do not teach or suggest the deficiencies of Takahashi. Thus, the cited references, alone and in combination, do not teach or suggest each and every limitation of Claim 1. Therefore, Applicant respectfully submits that amended Claim 1 is in condition for allowance.

Dependant Claims 2-7, 9, 10, 12, 13, and 15

Dependant Claims 2-7, 9, 10, 12, 13 and 15 are patentably distinguished over the cited references for at least the reasons noted above with respect to Claim 1, as well as for novel and non-obvious features recited therein. For example, Claim 13 recites, among other things, that the cowling comprises a first duct through which the air generally descends, *and a second duct*

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*through which the air generally ascends.* In contrast to Claim 13, Takada discloses that air passing downwardly through the intake port 11 "flows substantially in a horizontal direction." Col. 2, lines 45-46; see, Figure 5. Air flows *downwardly* through the expansion chamber 34 of Takada. See, Figure 1. Okazaki discloses a partition 27 for the downward flow of air into the engine. Thus, Claims 2-7, 9, 10, 12, 13 and 15 are in condition for allowance.

Claim 8

Amended Claim 8 recites:

An outboard motor comprising a housing unit adapted to be mounted on an associated watercraft, an internal combustion engine disposed on the housing unit, and a cowling surrounding the engine, the cowling having a first inlet port through which atmospheric air enters inside of the cowling, the cowling substantially being made of a nonferrous metal, the cowling comprises an external wall portion and an internal wall portion together defining an airflow space, and at least one of the external wall portion and the internal wall portions has at least one projection extending into the airflow space, the cowling additionally comprises a partition dividing the airflow space into at least first and second airflow spaces, *the first airflow space communicates with the first inlet port, the second airflow space has a second inlet port and an outlet port, atmospheric air enters the second airflow space through the second inlet port and exits to an external location of the cowling through the outlet port.*

The cited references, alone and in combination, fail to teach or suggest each and every limitation of Claim 8. In contrast to Claim 8, Takahashi discloses the upwardly extending port 210 is for delivering exhaust gases, *not atmospheric air*, into the exhaust chamber 182. As shown in Figure 6 of Takahashi, exhaust gases delivered by the port 210 flow through the exhaust chamber 182 and out the exhaust vent 192. Thus, Takahashi does not teach or suggest, *inter alia*, that atmospheric air enters the second airflow space through the second inlet port and exits to an external location of the cowling through the outlet port. Nozawa does not teach or suggest the deficiencies of Takahashi. Hence, Claim 8 is in condition for allowance.

Claim 11

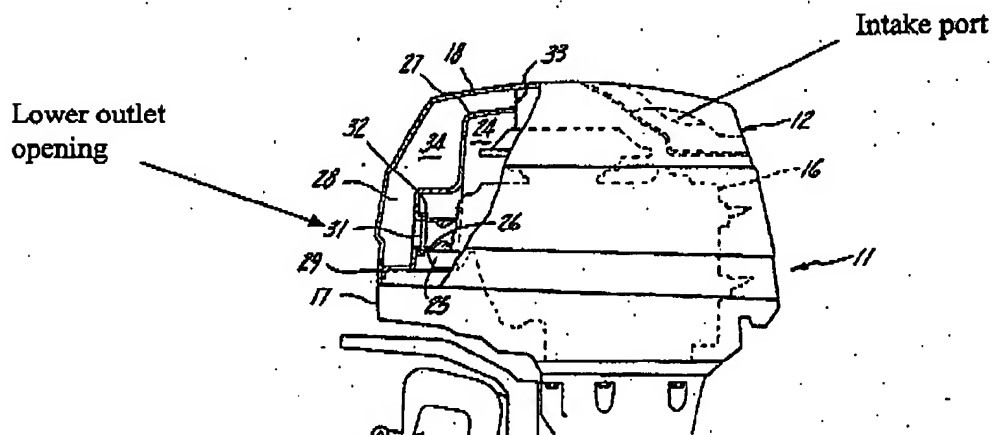
Amended independent Claim 11 recites:

An outboard motor comprising a housing unit adapted to be mounted on an associated watercraft, an internal combustion engine disposed on the housing unit, and a cowling surrounding the engine, the cowling having a first inlet port through which atmospheric air enters inside of the cowling, the cowling

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substantially being made of a nonferrous metal, the cowling comprises an external wall portion and an internal wall portion together defining an airflow space, and at least one of the external wall portion and the internal wall portions has at least one projection extending into the airflow space, the air entering through the first inlet port communicates with the engine through the airflow space, the cowling defines a cavity below the airflow space that is sized to accommodate the engine, the cowling additionally comprises a partition dividing the airflow space into at least first and second airflow spaces, the second airflow space communicates with the engine, the external or internal wall portion has a first duct through which the first airflow space communicates with the cavity, *and a second duct comprising a bottom opening and an upper opening above the bottom opening, an elongated body of the second duct extending between the bottom opening and the upper opening and through which the cavity communicates with the second airflow space, and the bottom opening of the second duct is positioned higher than a bottom opening of the first duct.*

Okazaki, Takada, and Nozawa, alone and in combination, fail to teach or suggest each and every limitation of Claim 11. In contrast to Claim 11, Okazaki discloses an outboard motor that has upper inlet openings 33 and a lower outlet opening 31. As shown in Figure 1 of Okazaki (a portion of which is reproduced below), the lower outlet opening 31 is positioned *below* the cited intake port, which have been labeled by the Applicant for the Examiner's convenience.



Because the cited references, alone and in combination, do not teach or suggest each and every limitation, amended Claim 11 is in condition for allowance.

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**Claims 16 and 17 are allowable over Hashimoto**

Claims 16 and 17 stand rejected under 35 U.S.C. § 102(b) as anticipated by Hashimoto. In view of the following, Applicant respectfully submits that the claims are in condition for allowance.

Amended Claim 16 recites:

An outboard motor comprising an internal combustion engine and a cowling surrounding the engine, the cowling comprising an external wall portion and an internal wall portion together defining an airflow space through which atmospheric air flows, at least one of the external and internal wall portions having at least one cooling fin projecting into the airflow space, the cowling having a first inlet port through which atmospheric air enters inside of the cowling, *the cowling comprises a second inlet port through which atmospheric air enters the inside of the cowling, an outlet port through which said atmospheric air exits to an external location of the cowling, and a partition that separates the air that has entered through the second inlet port from the air entering through the first inlet port.*

Hashimoto does not teach or suggest each and every limitation of amended Claim 16. For example, Claim 16 recites, among other things, wherein the cowling further comprises a second inlet port through which atmospheric air enters the inside of the cowling, an outlet port through which said atmospheric air exits to an external location of the cowling, and a partition that separates the air that has entered through the second inlet port from the air entering through the first inlet port. In contrast to Claim 16, Hashimoto teaches a pair of openings 36, 29 that both delivery air into a single cavity 28. See, Figures 3 and 4.

Hence, Applicant respectfully submits that Claim 16 is patentably distinguished over Hashimoto. Dependant Claim 17 is patentably distinguished over Hashimoto for at least the reasons with respect to Claim 16 as well as for novel and nonobvious features recited therein.

**Claims 18-20 are allowable over Furukawa**

Claims 18-20 stand rejected under 35 U.S.C. § 102(b) as anticipated by Furukawa. However, Furukawa does not teach or suggest each and every limitation of Claim 18. Furukawa discloses a duct 24 that has an outlet opening 25 positioned along the under case 21. Dependant Claims 19 and 20 are patentably distinguished over Furukawa for at least the reasons set forth

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above with respect to Claim 18 as well as for novel and nonobvious features recited in these claims.

**Claims 21-24 are allowable over Nozawa**

Claims 21-24 stand rejected under 35 U.S.C. § 102(b) as anticipated by Nozawa. However, Nozawa does not teach or suggest each and every limitation of independent Claim 21. Dependant Claims 22-24 are patentably distinguished over Nozawa for at least the reasons with respect to Claim 21 as well as for novel and nonobvious features recited therein.

**New Claims**

Claims 25-28 have been added. These claims are fully supported by the application as filed. Accordingly, no new matter has been added by this amendment. Applicant respectfully submits that these claims are patentable over the cited references.

For example, Claim 28 recites, *inter alia*, that the cowling comprises an external wall portion and an internal wall portion that together define an airflow space through which atmospheric air flows, wherein the internal wall portion and the external wall portion are each substantially made from nonferrous material. In contrast to Claim 28, Nozawa teaches a compartment cover 86 and an air chamber cover 88 that are formed from a single sheet of aluminum. Col. 4, lines 58-60. The covers 86, 88 are external structures, not an internal wall portion. Thus, Claim 28 recites features of particular advantage and utility not disclosed by Nozawa or the other references of record.

Consideration of new Claims 25-28 is respectfully requested.

**Conclusion**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding *Office Action* are inapplicable to the present claims. Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicants have not presented arguments concerning whether the applied references can be

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properly combined in view of the clearly missing elements noted above, and Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine these references. Applicant respectfully disagrees with the characterization of the references set forth in the *Office Action* and with the rejection of at least some of the original Claims. Nevertheless, to expedite the issuance of the other pending claims, Applicant has amended some of the claims to more clearly define the subject matter of these claims, which cited references fail to disclose. For brevity, Applicant has not addressed individually the rejections of all of the dependent claims as each dependent claim is patentable for at least the reasons noted with respect to the respective base claims. Thus, Applicant has not acquiesced to the Examiner's rejections of the dependent claims in this response.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 

William Shreve  
Registration No. 35,678  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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